

## COASTAL CONSERVANCY

Staff Recommendation  
December 13, 2007

### HEARN GULCH ACCESS IMPROVEMENTS

File No. 07-085-01  
Project Manager: Deborah Hirst

**RECOMMENDED ACTION:** Authorization to disburse up to \$8,000 to the Redwood Coast Land Conservancy to construct public access improvements on the Hearn Gulch Headlands north of Gualala in Mendocino County.

**LOCATION:** Hearn Gulch, five miles south of Point Arena in Mendocino County

**PROGRAM CATEGORY:** Public Access

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#### **EXHIBITS:**

- Exhibit 1: [Location Map: Mendocino Coastline](#)
- Exhibit 2: [Coastal Commission Report](#) and [\(2a\) Coastal Development Permit](#)
- Exhibit 3: [Hearn Gulch Site Plan and Resources](#)
- Exhibit 4: [Hearn Gulch Management Plan](#)
- Exhibit 5: [Letters of Support](#)

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed eight thousand dollars (\$8,000) to the Redwood Coast Land Conservancy to construct access improvements at the Hearn Gulch Headlands west of Highway 1 in Mendocino County, subject to the following conditions:

1. Prior to the disbursement of funds, the Redwood Coast Land Conservancy shall submit for the written approval of the Conservancy’s Executive Officer a work program, budget, names of any contractors it intends to employ for the project, and plans for signs acknowledging the Conservancy and Proposition 12 funding.

## HEARN GULCH ACCESS IMPROVEMENTS

2. The grantee shall implement the conditions required for the revised project approved by the California Coastal Commission on April 13, 2007, and the Coastal Development Permit issued by the Commission on July 13, 2007 (attached as Exhibit 2 to the accompanying staff recommendation).
3. The grantee shall enter into and record a public interest agreement under Public Resource Code Section 31116(c)."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
2. The proposed authorization is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on September 20, 2007.
3. The Conservancy has independently reviewed the Coastal Commission's staff report and action of April 13, 2007 regarding Appeal No. A-1-MEN-06-052 (revised project of public access improvements at Hearn Gulch; documents attached as Exhibit 2 to the accompanying staff recommendation), prepared under the Commission's regulatory program in accordance with Article 17 of the California Environmental Quality Act ("CEQA") Guidelines; and finds that there is no substantial evidence that the project, as conditioned, will have a significant effect on the environment.
4. The Redwood Coast Land Conservancy is a private nonprofit organization, existing under the provisions of Section 501(c)(3) of the U.S. Internal Revenue Service Code and its purposes are consistent with Division 21 of the Public Resources Code."

### **PROJECT SUMMARY:**

Staff recommends the Conservancy authorize the disbursement of up to eight thousand dollars (\$8,000) to the Redwood Coast Land Conservancy ("RCLC") to formalize a section of the California Coastal Trail, improve beach access, and install a bollard and chain vehicle boundary, signs and sheep fencing on the Hearn Gulch property in Mendocino County. The project will prevent off-road driving on the headlands' sensitive habitat areas and improve public access along the bluff top and beach access trails.

The Hearn Gulch property has had a long history of public use prior to the purchase by the RCLC with federal Transportation Enhancement Act (TEA) and Conservancy funds in June 2001. Impacts to the headlands from off-road driving are still visible in the ruts and disturbed areas from unrestricted access while the property was privately held as shown by aerial photographs back to the 1970s (Exhibit 3). The threat of development

## HEARN GULCH ACCESS IMPROVEMENTS

and concern with the negative impacts of unplanned public access to the bluff's biotic resources led to the purchase of this gorgeous coastal terrace property by the RCLC in 2001. A second section of the headland, the adjacent two-acre Schwab property, was purchased by RCLC with Conservancy funds in 2004. Since acquiring the six-acre headlands property, RCLC has placed low-to-the-ground, temporary signs to discourage driving on the headland and to alert the public to the need to restore and protect rare and endangered plant species present on the property.

The proposed authorization will enable RCLC to formalize two existing trails, direct public foot traffic on the bluff top and counter the degradation caused over the decades by off-road driving and trampling of sensitive resources (Exhibits 3 and 4). The project will include installation of a chain and bollard boundary to prevent vehicular access across the property west of Highway 1. In conjunction with the chain and bollard boundary, two fifteen-foot long and two foot high sheep fences will be placed back from the bluff to discourage access down the steep, unstable bluff to Sea Cove Beach. The project will improve two designated trails – one to the bluff over-look and one to the property's sheltered alcove beach. The beach access will be improved by installation of a more formal stairway at the base of an existing trail sloped to the beach from the top of the Hearn Gulch bluff. In addition, RCLC will post one 36" x 24" "Hearn Gulch Coastal Access" sign at the site entrance and approximately thirteen 18" by 12" signs warning of sensitive habitat and dangerous bluffs throughout the site. RCLC volunteers will also plant native plants where necessary to discourage use of other social paths and will continue to encourage recovery of the headlands.

The RCLC works to preserve the natural environment and sustainable land use of coastal watersheds from the Navarro to the Russian Rivers, to provide public access to scenic land, and to educate the public regarding the value of the area's natural heritage for the public and future generations. The volunteer-run nonprofit organization has successfully completed Phase I of the Gualala Bluff Top trail, a section of the California Coastal Trail in the coastal town of Gualala, with support from the Conservancy, and, as discussed above has completed two acquisitions to create the Hearn Gulch park.

### **Site Description:**

The Hearn Gulch Access project area consists of approximately six-acres of ocean-front coastal terrace west of Highway One located five miles south of Point Arena. The landscape is characterized by two dramatic headlands with sixty-foot bluffs and two small, sandy coves, Hearn Gulch Beach to the north and Sea Cave Beach to the south. Informal trails along the bluffs and down to Hearn Gulch Beach, beside the seasonal Hearn Gulch Creek, offer spectacular ocean views and access to the wind-protected beach and the back-drop of near shore sea stacks and rock caves.

Habitat resources on the site support four plants that are rare or endangered in California and are on the California Native Plant Society List 1B: *Agrostis blasdalei* (Blasdale's bent grass), *Calystegia purpurata* ssp. *Saxicola* (coastal bluff morning glory), *Gilia capitata* ssp. *Pacifica* (Pacific gilia), and *Sidalcea malviflora* ssp. *purpurea* (purple-

## HEARN GULCH ACCESS IMPROVEMENTS

stemmed checkerbloom). The headlands also contain areas of Coastal Terrace Prairie, Northern (Franciscan) Coastal Scrub and Northern Coastal Bluff Scrub plant communities as well as a small area of Northern Bishop Pine Forest habitat. Both the seasonal Hearn Gulch Creek drainage and an area above Sea Cave Beach which receives storm water via a culvert from Highway One support riparian vegetation.

Unrestricted vehicle access out onto the headlands over the past decades has resulted in ruts and areas of damage to the site. An existing gravel pullout on the adjacent Caltrans' Highway 1 right-of-way provides parking for the Hearn Gulch property.

### **Project History:**

With support from the Conservancy and federal Transportation Enhancement Activities Program funds, RCLC purchased the three and a half acre Hearn Gulch Beach and Headland property in 2001. During the subsequent preparation of the initial Hearn Gulch Management Plan by RCLC, an opportunity became available to purchase the adjacent two-acre Schwab property. In 2004 the Conservancy supported the acquisition of the Schwab property and RCLC expanded the management plan to cover the total six-acre Hearn Gulch Headlands area to permanently protect open space, scenic value, and ensure public access and recreation.

The additional property was also intended to help ensure room to construct safe vehicular ingress, egress and parking for access at Hearn Gulch. A Coastal Commission appeal of the plan's proposed four-space parking lot resulted in a smaller project being approved. RCLC revised the Hearn Gulch Management Plan (Exhibits 2 and 4) to continue use of the existing roadside parking in the Caltrans right of way, maximize the area devoted to the protection of rare and endangered species including the purple checker bloom, and eliminate the planned four-space parking lot off Highway One. The project, as conditioned by the Coastal Commission, will avoid impacts to the environmentally sensitive habitat areas on the property.

The proposed project will install the vehicle barrier of bollard and chain fencing partially in the Caltrans right of way, just west of the existing gravel pull-off, under an encroachment permit from Caltrans. Additional parking is available in a paved area of Caltrans right of way .4 miles north of Hearn Gulch. Future potential may exist to seek acquisition of an easement or fee title to the property adjacent to this parking area which could provide a northern trail route down to Hearn Gulch Beach off Highway One.

### **PROJECT FINANCING:**

Coastal Conservancy	\$ 8,000
Mendocino Community Foundation	\$ 5,000
Redwood Coast Land Conservancy (In-Kind)	<u>\$ 5,609</u>
Total Project Cost	\$18,609

## HEARN GULCH ACCESS IMPROVEMENTS

Conservancy funds for this project are expected to derive from the Conservancy's FY2005/06 appropriation from Proposition 12 (the "Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000"). Proposition 12 authorizes the Conservancy's use of bond funds for a range of resource stewardship projects including the completion of the California Coastal Trail and planning for the development of public use facilities (Public Resources Code Section 5096.352). The proposed project will improve coastal access and formalize a section of the Coastal Trail in a region specifically designated to receive Proposition 12 funds, the coast north of the Gualala River.

### **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The Hearn Gulch project will be undertaken pursuant to Chapter 9 (Section 31400) of the Conservancy's enabling legislation, Division 21 of the Public Resources Code, regarding the implementation of a system of public access ways to and along the state's coastline.

Under Section 31400, the Legislature has charged the Conservancy with a principal role in the implementation of a system of accessways to and along the state's coastline. The proposed project will implement a bluff top trail and beach access trail consistent with this section.

Pursuant to Section 31400.1, the Conservancy may award grants to any nonprofit organization to develop lands for public access purposes to and along the coast. The proposed authorization will enable RCLC to improve trails to the beach and headlands, and is thus consistent with this section.

Pursuant to Section 31400.2, the Conservancy may provide up to the total cost of initial development of public accessways by a nonprofit organization. The Conservancy's funds will be matched by nearly 60% with a community foundation grant and in-kind services from RCLC.

Pursuant to Section 31400.3, the Conservancy may provide such assistance as is required to aid nonprofit organizations in establishing a system of public coastal accessways. The proposed authorization will enable RCLC to construct necessary public access improvements to ensure safe access to the beach and headlands, while protecting sensitive habitat areas.

Section 31408 charges the Conservancy, in consultation with the Department of Parks and Recreation, and the California Coastal Commission, with coordination of the development of the Coastal Trail. The proposed authorization will enable RCLC to complete a section of the California Coastal Trail, consistent with this section.

### **CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOALS & OBJECTIVES:**

## HEARN GULCH ACCESS IMPROVEMENTS

The proposed project is consistent with the Conservancy's 2007 Strategic Plan as it supports the following Goals and Objectives:

**Goal 1 – Objective A, B, C & D:** Develop the Coastal Trail and related recreational opportunities. The project is consistent with Objective 1A, obtaining consensus and refining alignment, in that it will direct access along a more formalized trail on the Hearn Gulch Headlands for the Coastal Trail alignment.

It is consistent with Objective 1B, sign of up to 300 miles of Coastal Trail, in that the project will sign the Coastal Trail and beach access trail at the Hearn Gulch Headlands.

It is consistent with Objective 1C, design 94 miles of trail in existing right-of-way, in that the project includes the design for the California Coastal Trail on the Hearn Gulch Headlands.

Finally, the project is consistent with Objective 1D, construction of approximately 93 miles of trail in public and private ownership, in that the project will implement a section of the California Coastal Trail on land owned by a volunteer-run nonprofit organization.

### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

#### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** See Letters of Support in Exhibit 5, including Congressman Mike Thomas, Assemblywoman Patty Berg and the Mendocino Land Trust.
4. **Location:** The proposed project is located within the coastal zone, five miles south of Point Arena on the Mendocino Coast.
5. **Need:** Without Conservancy funds the proposed project would not go forward. The project will further the Conservancy's completion of the California Coastal Trail and will implement public access improvements at Hearn Gulch, improving public safety and protecting sensitive habitat.
6. **Greater-than-local interest:** The proposed project will improve trail and beach access between the Gualala River and Point Arena. Travelers, both international and regional, are drawn to the entire north coast of California, particularly those areas

## HEARN GULCH ACCESS IMPROVEMENTS

within a few hours drive of San Francisco.

### Additional Criteria

7. **Urgency:** The sensitive habitat at Hearn Gulch will continue to be damaged without effort to restrict vehicular access to the Headlands. RCLC can minimize impact on rare and endangered plant species including the purple checkerbloom by quickly implementing the proposed project.
8. **Resolution of more than one issue:** The proposed Planning Grant's resulting plan will improve a stretch of the California Coastal Trail along Hearn Gulch west of Highway 1 and also protect sensitive habitat resources on the headlands.
9. **Leverage:** The Redwood Coast Land Conservancy will leverage Conservancy funding with a grant from the Mendocino Community Foundation and in-kind contributions of volunteers to complete the proposed project.
10. **Readiness:** RCLC is prepared to move forward with the public access and habitat protection improvements at Hearn Gulch and has the necessary permits to begin work immediately.
11. **Realization of prior Conservancy goals:** See "Project History" above.
12. **Cooperation:** RCLC is working with the Conservancy and coordinating with Caltrans to complete improvements for public access partially encroaching on the Caltrans right of way at Hearn Gulch.

### CONSISTENCY WITH CONSERVANCY STANDARDS AND RECOMMENDATIONS FOR ACCESSWAY LOCATION AND DEVELOPMENT:

The Conservancy-adopted "Standards and Recommendations for Accessway Location and Development" is relevant to the proposed project. The proposed project is consistent with several of the applicable standards, including Standard No. 1, No. 2, No. 5, and No. 8, as discussed below.

Consistent with Standard No. 1, the project has been designed to minimize alteration of natural landforms, prevent unwarranted hazards to the land and public safety, and protect environmentally sensitive habitats.

Consistent with Standard No. 2, the project has been designed to correct previous erosion problems.

Consistent with Standard No. 5, the project has been designed to avoid and minimize public access plants on rare plant habitat, and has been reviewed by the Coastal Commission.

Consistent with Standard No. 8, the proposed trails connect the road with a scenic overlook, and will include steps down to the beach.

## HEARN GULCH ACCESS IMPROVEMENTS

### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The Hearn Gulch project area is located within coastal zone and is subject to the jurisdiction of the County of Mendocino's Local Coastal Program. The proposed project is consistent with the public access and resource protection policies of the Local Coastal Program as described below.

Consistent with LCP policy 3.1-7, the proposed project will site and develop improvements to prevent impacts which would significantly degrade Environmentally Sensitive Habitat Areas (ESHAs). The County defines ESHAs as, "Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments" (Mendocino County LCP, page 38). The project will include conditions required to minimize impacts and mitigate for potential impact to rare and endangered species of plants on the property as required (see Exhibit 2).

Consistent with LCP policy 3.5, the proposed project will be visually compatible with the character of the surrounding area and subordinate to the natural setting by keeping signs and fences low and doing minimal changes to the trails on the property.

Consistent with LCP policy 3.6-26, RCLC has provided a revised Hearn Gulch Headlands Preservation and Public Access Management Plan which was approved by the County to ensure protection of the natural resources and management of public access to Hearn Gulch.

Consistent with LCP policy 3.6-6, RCLC is providing shoreline access on the coast to minimize impacts on marine resources at other destinations in Mendocino and to provide options to the public to prevent overcrowding on any single area.

Consistent with LCP policy 3.6 on access standards, RCLC will maintain the accessway, provide appropriate warning signs and provide access for people with disabilities.

### **COMPLIANCE WITH CEQA:**

The County of Mendocino prepared a California Environmental Quality Act ("CEQA") Negative Declaration for the initially proposed project. The Mendocino County Planning Commission adopted the Negative Declaration on October 19, 2006.

But the project approval was appealed to the Coastal Commission. At its April 13, 2007 public meeting, the Coastal Commission found a "Substantial Issue" with respect to the conformance of the project with the Mendocino Local Coastal Program and the access policies of the California Coastal Act (see Exhibit 2). The primary concern of the Coastal Commission was the potential for impacts on environmental sensitive plants, in particular the Purple-stemmed checkerbloom (*Sidalcea malviflora ssp. purpurea*) and three other species listed on the California Native Plant Society List 1B.



## HEARN GULCH ACCESS IMPROVEMENTS

Upon making this finding, the Commission itself reviewed, de novo, the merits of the project – in this case based on a submission of the applicant revised to eliminate the originally proposed four-space parking lot improvements and reduce improvements to the beach trail. The Commission approved the revised project, imposing several conditions to avoid impact to the Environmentally Sensitive Habitat Areas on the property while allowing public access trail improvements, fencing and signing (Exhibit 2). The special conditions for the project include 1) botanical monitoring during project implementation; 2) restriction of future development to only those items in this project or a permit amendment or new coastal development permit will be required; 3) a revised management plan; 4) a final Caltrans Encroachment Permit; 5) a new or amended County Use Permit; 6) any conditions imposed by local government.

The Coastal Commission found that, “As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.”

The CEQA Guidelines provide an exemption to CEQA for certain certified state regulatory programs (See 14 California Code of Regulations Article 17, sections 15250 et seq.). The regulatory program of the Coastal Commission for considering coastal development permits under the Coastal Act is expressly listed as such a program. 15 California Code of Regulations Section 15251(c). Under Section 15253(a), an environmental analysis document prepared for a project under a listed certified program is used by CEQA responsible agencies, as provided. In this case, the Coastal Commission staff report (Exhibit 2) thoroughly analyzes the environmental effects of the revised project in conformity with Section 15253.

In providing the funding for the revised Hearn Gulch project, the Conservancy is serving as a CEQA responsible agency. Based on its review of the Coastal Commission report, staff recommends that the Conservancy find that the Hearn Gulch project does not have the potential for a significant effect on the environment as defined in 14 California Code of Regulations Section 15382.